

**Introduced by Senator McPherson**

February 19, 2003

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An act to amend Section 11165.7 of the Penal Code, relating to mandated reporters.

LEGISLATIVE COUNSEL'S DIGEST

SB 316, as introduced, McPherson. Mandated reporters.

Existing law, the Child Abuse and Neglect Reporting Act (CANRA), requires a mandated reporter, as defined, to report whenever he or she, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure to report an incident is a crime punishable by imprisonment in a county for a period of 6 months, a fine of up to \$1,000, or by both that imprisonment and fine.

This bill would add custodial officers, as defined, to the list of individuals who are mandated reporters. Because this bill would impose duties on local officers, and because it would change the definition of a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 11165.7 of the Penal Code is amended  
2 to read:  
3 11165.7. (a) As used in this article, “mandated reporter” is  
4 defined as any of the following:  
5 (1) A teacher.  
6 (2) An instructional aide.  
7 (3) A teacher’s aide or teacher’s assistant employed by any  
8 public or private school.  
9 (4) A classified employee of any public school.  
10 (5) An administrative officer or supervisor of child welfare and  
11 attendance, or a certificated pupil personnel employee of any  
12 public or private school.  
13 (6) An administrator of a public or private day camp.  
14 (7) An administrator or employee of a public or private youth  
15 center, youth recreation program, or youth organization.  
16 (8) An administrator or employee of a public or private  
17 organization whose duties require direct contact and supervision  
18 of children.  
19 (9) Any employee of a county office of education or the  
20 California Department of Education, whose duties bring the  
21 employee into contact with children on a regular basis.  
22 (10) A licensee, an administrator, or an employee of a licensed  
23 community care or child day care facility.  
24 (11) A headstart teacher.  
25 (12) A licensing worker or licensing evaluator employed by a  
26 licensing agency as defined in Section 11165.11.  
27 (13) A public assistance worker.  
28 (14) An employee of a child care institution, including, but not  
29 limited to, foster parents, group home personnel, and personnel of  
30 residential care facilities.  
31 (15) A social worker, probation officer, or parole officer.



1 (16) An employee of a school district police or security  
2 department.

3 (17) Any person who is an administrator or presenter of, or a  
4 counselor in, a child abuse prevention program in any public or  
5 private school.

6 (18) A district attorney investigator, inspector, or local child  
7 support agency caseworker unless the investigator, inspector, or  
8 caseworker is working with an attorney appointed pursuant to  
9 Section 317 of the Welfare and Institutions Code to represent a  
10 minor.

11 (19) A peace officer, as defined in Chapter 4.5 (commencing  
12 with Section 830) of Title 3 of Part 2, who is not otherwise  
13 described in this section.

14 (20) A firefighter, except for volunteer firefighters.

15 (21) A physician, surgeon, psychiatrist, psychologist, dentist,  
16 resident, intern, podiatrist, chiropractor, licensed nurse, dental  
17 hygienist, optometrist, marriage, family and child counselor,  
18 clinical social worker, or any other person who is currently  
19 licensed under Division 2 (commencing with Section 500) of the  
20 Business and Professions Code.

21 (22) Any emergency medical technician I or II, paramedic, or  
22 other person certified pursuant to Division 2.5 (commencing with  
23 Section 1797) of the Health and Safety Code.

24 (23) A psychological assistant registered pursuant to Section  
25 2913 of the Business and Professions Code.

26 (24) A marriage, family and child therapist trainee, as defined  
27 in subdivision (c) of Section 4980.03 of the Business and  
28 Professions Code.

29 (25) An unlicensed marriage, family, and child therapist intern  
30 registered under Section 4980.44 of the Business and Professions  
31 Code.

32 (26) A state or county public health employee who treats a  
33 minor for venereal disease or any other condition.

34 (27) A coroner.

35 (28) A medical examiner, or any other person who performs  
36 autopsies.

37 (29) A commercial film and photographic print processor, as  
38 specified in subdivision (e) of Section 11166. As used in this  
39 article, “commercial film and photographic print processor”  
40 means any person who develops exposed photographic film into

negatives, slides, or prints, or who makes prints from negatives or slides, for compensation. The term includes any employee of such a person; it does not include a person who develops film or makes prints for a public agency.

(30) A child visitation monitor. As used in this article, “child visitation monitor” means any person who, for financial compensation, acts as monitor of a visit between a child and any other person when the monitoring of that visit has been ordered by a court of law.

(31) An animal control officer or humane society officer. For the purposes of this article, the following terms have the following meanings:

(A) “Animal control officer” means any person employed by a city, county, or city and county for the purpose of enforcing animal control laws or regulations.

(B) “Humane society officer” means any person appointed or employed by a public or private entity as a humane officer who is qualified pursuant to Section 14502 or 14503 of the Corporations Code.

(32) A clergy member, as specified in subdivision (c) of Section 11166. As used in this article, “clergy member” means a priest, minister, rabbi, religious practitioner, or similar functionary of a church, temple, or recognized denomination or organization.

(33) Any custodian of records of a clergy member, as specified in this section and subdivision (c) of Section 11166.

(34) Any employee of any police department, county sheriff’s department, county probation department, or county welfare department.

(35) An employee or volunteer of a Court Appointed Special Advocate program, as defined in Rule 1424 of the Rules of Court.

(36) *A custodial officer as defined in Section 831.5.*

(b) Volunteers of public or private organizations whose duties require direct contact and supervision of children are encouraged to obtain training in the identification and reporting of child abuse.

(c) Training in the duties imposed by this article shall include training in child abuse identification and training in child abuse reporting. As part of that training, school districts shall provide to all employees being trained a written copy of the reporting

1 requirements and a written disclosure of the employees'  
2 confidentiality rights.

3 (d) School districts that do not train their employees specified  
4 in subdivision (a) in the duties of mandated reporters under the  
5 child abuse reporting laws shall report to the State Department of  
6 Education the reasons why this training is not provided.

7 (e) The absence of training shall not excuse a mandated  
8 reporter from the duties imposed by this article.

9 SEC. 2. No reimbursement is required by this act pursuant to  
10 Section 6 of Article XIII B of the California Constitution for  
11 certain costs that may be incurred by a local agency or school  
12 district because in that regard this act creates a new crime or  
13 infraction, eliminates a crime or infraction, or changes the penalty  
14 for a crime or infraction, within the meaning of Section 17556 of  
15 the Government Code, or changes the definition of a crime within  
16 the meaning of Section 6 of Article XIII B of the California  
17 Constitution.

18 However, notwithstanding Section 17610 of the Government  
19 Code, if the Commission on State Mandates determines that this  
20 act contains other costs mandated by the state, reimbursement to  
21 local agencies and school districts for those costs shall be made  
22 pursuant to Part 7 (commencing with Section 17500) of Division  
23 4 of Title 2 of the Government Code. If the statewide cost of the  
24 claim for reimbursement does not exceed one million dollars  
25 (\$1,000,000), reimbursement shall be made from the State  
26 Mandates Claims Fund.

